

3/21/68
Patt

Director, C.P.H.D.

CIA has no objection to declass
 It contains information of CIA
Interest that must remain
classified at TS S O
Authority: HR TO-2
 It contains nothing of CIA Inter

Date 24-3-81 Reviewer 00-01-1

March 29, 1960

MEMORANDUM FOR CONGRESSIONAL CONTACT FILE

House Committee on Appropriations

Mr. Kenneth Sprinkle, Staff Director, Committee on Appropriations, House of Representatives, informally requested our views today as to whether Title IV of the act of July 15, 1955, 69 Stat. 349, providing for the establishment of a Central Intelligence Agency headquarters installation may be construed to authorize erection of a private residence on the same site for use by the Director of that agency.

Section 401, Title IV of the cited act of July 15, 1955, authorized the Director of Central Intelligence to acquire land and construct buildings, facilities, appurtenances, utilities, and access roads at a cost of not to exceed \$54,500,000. The Supplemental Appropriation Act, 1956, 69 Stat. 450, 453, made an appropriation of \$5,500,000 therefor, and the balance of \$49,000,000 was contained in the Supplemental Appropriation Act, 1957, 70 Stat. 678, 680.

Section 3733, Revised Statutes, 31 U. S. C. 12, provides that no contract shall be entered into for the erection of any public building or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. And section 3676, Revised Statutes, 31 U. S. C. 628, provides that all sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made and for no others.

The specific purpose for which the cited appropriations were made available to carry out section 401 is for construction of a CIA headquarters installation—not for the construction of a private residence. Hence, if authority exists for erection of the private residence it must be implied from the use of the term "appurtenances" contained in section 401. See A-3483, January 14, 1931 and A-41127, March 19, 1932. The word "appurtenances" as used in enabling or appropriation legislation providing for construction of public buildings means such subsidiary structures as are necessary or essential to the proper use of the main building. It appears very doubtful that a private residence may be said to be necessary or essential to the effective use of a public office building. In this connection it has been informally learned from CIA that the plans for the CIA building in question did not include construction of a private residence. See 40 U. S. C. 267, which was recently repealed.

In view of the plain mandate of section 3733, Revised Statutes, prohibiting the construction of public buildings unless appropriations specifically provide therefor--with no indication anywhere in the legislative history of the enabling legislation of a congressional intent that the term "appurtenances" was to be given a broadened meaning so as to authorize erection of a private residence--it is believed that expenditures for such purposes may not be incurred in the absence of express authority therefor. Mr. Sprankle was so informed.

L. C. Silverman

cc: Director, CAAD
Legislative files
Index and Files

GENERAL ACCOUNTING OFFICE
Form 70

To Gene Paul
FROM Bard

INTRA-OFFICE
TRANSMITTAL SLIP

SUBJECT:

DATE 3-31-60

Mr. Alderson asked me to
Send you the enclosed for
your information

JB.